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09/944,699	08/31/2001	Jonathan Blackwell	0655/62869	2132

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EXAMINER

NAJJAR, SALEH

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 06/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/944,699

Applicant(s)

BLACKWELL ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_\_

Art Unit: 2157

1. This action is responsive to the application filed on August 31, 2001. Claims 1-20 are pending. Claims 1-20 represent a method, program product and apparatus directed toward sending, receiving and managing messaging data.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-15, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz, U.S. Patent No. 6,445,694.

Swartz teaches the invention as claimed including a Internet controlled telephone system (see abstract).

As to claim 1, Swartz teaches a method of sending, receiving and managing messaging data through a shell interface (browser), comprising the steps of:

installing a messaging component into the shell interface (see figs. 1-11; col. 3-4, Swartz teaches that telephony services are controlled through a browser using dynamic link libraries);

displaying at least one messaging entry through the shell interface, the displayed messaging entry identifying received faxes, voice mails and/or pager messages (see fig. 2; col. 6-7, Swartz discloses accessing telephony services through a browser interface); and

invoking an appropriate communication service for accessing a selected one of the received faxes, voice mails and pager messages, wherein the selected message is

selected through the shell interface (see figs. 2-11; col. 7-13).

As to claim 4, Swartz teaches the method of claim 1 further comprising displaying a second messaging entry through the shell interface, wherein the second messaging entry provides contact data (see figs. 2, 5; col. 5-6, Swartz discloses an entry labeled phone book which contains contact addresses).

As to claim 5, Swartz teaches the method of claim 1, wherein the messaging component installs a messaging shell namespace (see fig. 1-11; col. 5-8).

As to claim 6, Swartz teaches the method of claim 1, wherein the messaging component adds a compose message user interface accessible through the shell interface (see col. 5-8).

As to claim 7, Swartz teaches the method of claim 1, wherein the messaging component adds a status monitor user interface accessible through the shell interface (see figs. 2-11; col. 5-10).

As to claim 8, Swartz teaches the method of claim 1, wherein the messaging component adds a messaging properties user interface accessible through the shell interface for managing mailboxes (see figs. 2-11; col. 5-10).

As to claim 9, Swartz teaches the method of claim 8, wherein the user interface provides means for viewing and changing settings for the mailboxes (see figs. 7-11; col. 5-10).

As to claim 10, Swartz teaches the method of claim 1, wherein the communication service includes a voice message viewer (see fig. 10).

As to claim 11, Swartz teaches the method of claim 1, wherein the communication service includes a pager message viewer (see fig. 11).

As to claim 12, Swartz teaches the method of claim 1, wherein the communication service includes a fax message viewer (see figs. 6-7; col. 11-12).

As to claim 13, Swartz teaches the method of claim 1, wherein the messaging component is maintained in a dynamic link library (see col. 5).

As to claim 14, Swartz teaches the method of claim 1, wherein the displayed messaging entry shows that a received fax, voicemail and pager message is an attachment to an e-mail message (see figs. 8-9; col. 11-12).

Claims 15, 17, and 19 do not teach or define any new limitations above claims 1, 4-14, and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz, U.S. Patent No. 6,445,694 further in view of Smith et al., U.S. Patent No. 6,463,462.

Swartz teaches the invention substantially as claimed including a Internet controlled telephone system (see abstract).

As to claims 2-3, Swartz teaches the method of claim 1 further comprising displaying a second messaging entry through the shell interface, wherein the second messaging entry identifies faxes, voice mails and/or pager messages (see fig. 2; col. 6-7).

Swartz does not explicitly teach the limitation of identifying "sent" or "outgoing" messages.

However, Smith teaches an automated unified messaging system presented in a unified application to a user (see abstract). Smith teaches a second entry identifying sent, or outgoing fax, voice mail, or pager messages (see fig. 18; col. 11-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swartz by providing entries identifying sent or outgoing messages

as taught by Smith. One would be motivated to do so to provide the user with a more complete report on the user's messaging system.

Claims 16, 18 and 20 do not teach or define any new limitation above claims 2-3 and therefore are rejected for similar reasons.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.



Saleh Najjar

Primary Examiner / Art Unit 2157